

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MERCK & CO., INC., and  
MSD TECHNOLOGY, L.P.

Plaintiffs,

v.

MEDCENTER CANADA INC., d/b/a  
MEDCENTERCANADA.COM,

Defendant.

Civil Action No.

05 CV 3700 (DC)

ECF CASE – Electronically Filed

**ORDER GRANTING STIPULATION OF DISMISSAL OF CLAIMS  
BETWEEN MERCK & CO., INC. AND MSD TECHNOLOGY, L.P.  
AND MEDCENTERCANADA INC. D/B/A MEDCENTERCANADA.COM**

Pursuant to the Parties' Stipulation and good cause appearing therefore, it is hereby ordered that Plaintiffs MERCK & CO., INC. and MSD TECHNOLOGY, L.P.'s (collectively "Merck") claims against Defendant MEDCENTER CANADA INC. d/b/a MEDCENTERCANADA.COM ("MedCenter") and MedCenter's counterclaims against Merck in the above referenced action are hereby **DISMISSED WITH PREJUDICE**. Each party shall bear its own costs and attorneys' fees.

IT IS SO ORDERED.

  
\_\_\_\_\_  
THE HONORABLE DENNY CHIN  
UNITED STATES DISTRICT JUDGE

Date:

9/20/06

CHIN, S.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MERCK & CO., INC., and  
MSD TECHNOLOGY, L.P.

Plaintiffs,

v.

MEDCENTER CANADA, INC. d/b/a  
Medcentercanada.com,

Defendant.

Civil Action No.

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ECF CASE – Electronically Filed

**STIPULATION OF DISMISSAL**

**STIPULATION OF DISMISSAL OF CLAIMS BETWEEN  
MERCK & CO., INC. AND MSD TECHNOLOGY, L.P. AND  
MEDCENTER CANADA INC.**

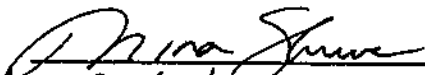
**IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiffs

MERCK & CO., INC. and MSD TECHNOLOGY, L.P. (collectively “Merck”) and Defendant  
MEDCENTER CANADA, INC., (“MedCenter”) by their undersigned attorneys, that pursuant to  
Federal Rule of Civil Procedure 41(a)(2), Merck’s claims against MedCenter and MedCenter’s  
counterclaims against Merck in the above referenced action be, and hereby are, dismissed with  
prejudice. Each party shall bear its own costs and attorneys’ fees.

Respectfully submitted,

By:

Dated:


  
September 18, 2006

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*Attorneys for Plaintiffs*

By:

Dated:

  
Sept 18, 2006

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